



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/826,186

04/16/2004

Jeffrey Karl Sutton

DEP5249

9801

27777 7590 07/11/2007
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

BLANCO, JAVIER G

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10/826,186 4/16/2004 Sutton et al.

DEP 5249

EXAMINER

J.G. Blanco

ART UNIT	PAPER
----------	-------

3738 20070702

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1, 2, 7, 9, 10, 13, 15, and 47 in the reply filed on May 16, 2007 is acknowledged.
2. Applicant's cancellation of claims 24-27 in the reply filed on May 16, 2007 is acknowledged.

Non-Responsive Amendment

3. The reply filed on May 16, 2007 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
 - a. With regards to each of independent claims 1 and 47, newly added claim limitations correspond to a non-elected species. The specification at page 15, lines 1-19 make reference to an embodiment other than the elected species shown in Figure 1.
 - b. With regards to independent claim 1, the claim as amended comprises structural limitations from two different embodiments (i.e., a "hybrid"). Said embodiment was not disclosed in the specification as originally filed.
 - c. Applicant has failed to specifically point out the support in the original disclosure for each of the newly presented claim limitations (see M.P.E.P. 714.02).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3738


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:30 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Javier G. Blanco

July 3, 2007



David H. Willse
Primary Examiner